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May 30, 1975

TOHAK **63**

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TO: Gompert/Rodman
FOR: Scowcroft/Kissinger
FROM: McFarlane *RM*
SUBJECT: [REDACTED]

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1. Prior to his departure, Rumsfeld asked Dick Cheney to send him a status report reflecting the AG's views on prosecuting Hersh, the

TIMES, [REDACTED] Cheney has received 25X1

the AG's preliminary opinion which raises a number of questions about the wisdom and/or feasibility of any legal action, and has reported this to Rumsfeld. Rumsfeld has now asked Cheney for Defense's views on the feasibility of continuing these operations. In addition, assuming that Defense recommends going ahead, Rumsfeld asked for their views on the desirability of conducting an investigation. Cheney asked that I check both questions with Defense.

2. I talked to Tom Latimer. The Navy has expressed its tentative view to Schlesinger that "planning" for the continuation of the operation should go forward. [REDACTED]

25X1

[REDACTED] Prior to any of these dates, a decision to discontinue--

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2

25X1

3. The above does not address the fundamental question which is "Would the potential gains to be derived from investigation, prosecution and conviction outweigh the probable intelligence loss from discontinuation of the operation? "

4. Cheney is reporting the substance of paragraph 2 to Rumsfeld tonight.

5. Please advise.

Warm regards.

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